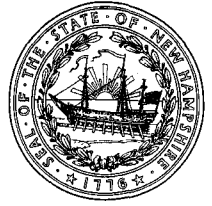




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 24, 2005

LETTER OF DEFICIENCY #WSEB 05-059
Certified Mail #7099 3400 0003 0690 2169

Alan Colby
Howard Manor Condo Association
182 Plaistow Road
PO Box 274
Plaistow, NH 03865

Subject: Plaistow - Public Water System: Howard Manor Condominiums (EPA# 1932160)

Dear Mr. Colby:

The records of the NH Department of Environmental Services (DES) show that the Howard Manor Condominiums water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit water samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 320-330. Pursuant to Env-Ws 351, the failure to submit water samples requires that public notice of such failures be given to all consumers.

Chemical Monitoring

DES records show that the subject water system failed to submit the following chemical sample results for the following monitoring periods (calendar quarters):

Quarter 3, 2004 – Synthetic Organic Compounds (SOC)

Quarter 4, 2004 – Di(2-ethylhexyl)phthalate

Quarter 1, 2005 – Di(2-ethylhexyl)phthalate

As a result of the failure to submit the SOC sample, a Notice of Violation (NOV), dated December 1, 2004, was sent to you. The failure to submit the Q4-2004 Di(2-ethylhexyl)phthalate sample resulted in an NOV, dated March 11, 2005, being sent to you. This Letter of Deficiency shall also serve as a formal NOV for the failure to submit the Q1-2005 Di(2-ethylhexyl)phthalate sample. DES records also show that the water system has not submitted proof of public notice for these three chemical monitoring/reporting violations. The monitoring/reporting violations and the failure to submit proof of public notice place the water system in violation of Env-Ws 327 and 351, respectively.

DES believes the chemical monitoring/reporting and public notice deficiencies can be addressed by taking the following actions:

1. **By July 7, 2005**, submit a Q2-2005 Di(2-ethylhexyl)phthalate sample to the State laboratory or a State-certified laboratory. **Please insure that this sample is a raw water sample collected prior**

to any treatment equipment. **Also, please note that a DES Waste Management Division (WMD) staff member will contact you to try to coordinate the collection of your raw water sample with their post-treatment sampling.** The enclosed analysis result form should be used when submitting the sample to your laboratory. (Do not take any further Di(2-ethylhexyl)phthalate samples until the results of the Q2-2005 sample are discussed with you.)

2. **By July 15, 2005**, provide proof of public notice to DES for failure to submit the chemical samples identified above, as specified on the enclosed form.

A review of this water system's chemical monitoring file has resulted in changes to the system's Master Sampling Schedule. Howard Manor has been on annual Fluoride sample for several years because samples in the late 1990s showed elevated Fluoride levels. Because the water system's Fluoride results since 2000 have all been less than 2.0 mg/L, the system's Fluoride sample schedule is being reduced to triennial sampling to be collected as part of the system's routine Inorganic Chemical (IOC) sampling. In addition, since both EPA and DES are reevaluating the maximum contaminant level (MCL) for nickel, Howard Manor is no longer required to submit quarterly nickel samples. Finally, to give DES time to analyze the results of the Di(2-ethylhexyl)phthalate sample that you are requested to submit by July 7, 2005, DES has moved the system's 2005 SOC test from Q3 to Q4. (Di(2-ethylhexyl)phthalate is one of the contaminants contained in the SOC chemical group.) A copy of the system's revised Master Sampling Schedule is enclosed.

Bacteria Monitoring

DES records also show that the water system has failed to provide proof of public notice for two bacteria monitoring/reporting violations. Specifically, proof of public notice has not been received for the January 2005 and April 2005 violations.

DES believes the bacteria public notice violations can be addressed by taking the following action:

1. **By July 15, 2005**, provide proof of public notice to DES for failure to submit the January 2005 and April 2005 bacteria samples, as specified on the enclosed form.

Emergency Plan

Pursuant to Env-Ws 360.14, all NH community water systems were required to submit a copy of their Emergency Plan to DES by March 15, 2003. On September 11, 2003, a Letter of Deficiency was issued to the then-President of the Howard Manor Condo Association (with a copy sent to you) indicating that DES had not received a copy of the system's Emergency Plan. To date, DES still has not received a copy of the Emergency Plan. DES staff member Johnna McKenna remains willing to assist you in producing an acceptable Emergency Plan. She can be reached at 271-7017, or by email at jmckenna@des.state.nh.us.

DES believes the Emergency Plan violation can be corrected by taking the following action:

1. **By July 31, 2005**, submit to DES a copy of the water system's Emergency Plan that meets the requirements of Env-Ws 360.14.

In the event compliance is not achieved within these time periods, DES may initiate formal action against the Association, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The proof of public notice and the copy of the system's Emergency Plan as requested above should be addressed as follows or faxed to (603) 271-5171:

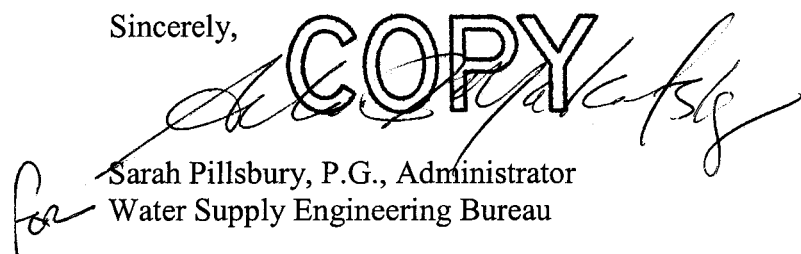
Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please also be reminded that the water system's Permit to Operate Fee and Consumer Confidence Report are due by July 1, 2005.

If you have any questions regarding this letter, please contact Alan Leach at (603) 271-2854 or by email at aleach@des.state.nh.us.

Sincerely,

COPY

for Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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Encls: Analysis Request Form
Public Notice Forms
Master Sampling Schedule

cc: Gretchen R. Hamel, DES Legal Unit Administrator (w/o encl.)
Richard Pease, DES WMD
Shannon Morin, Primary Operator
Denise Horrocks, Plaistow Health Officer (w/o encl.)
EPA, Region 1 (w/o encl.)